

REMARKS

I. Introduction

Claims 1, 3 to 6, 8 and 9 are pending in the present application. In view of the preceding amendments and following remarks, Applicants respectfully request reconsideration of the application.

II. Rejection of Claims 1 to 7 Under 35 U.S.C. §103(a)

Claims 1 to 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,462,322 ("Berezansky") in view of U.S. Patent No. 5,301,913 ("Wheatley"). Applicants respectfully submit that the combination of references does not render obvious claims 1 to 7 for the following reasons.

Claim 1 relates to a drum closure, comprising a top clamp configured with a top surface and a bottom surface and at least one threaded top clamp bolt hole extending through a body of the top clamp, a base clamp configured with a bottom surface and at least one threaded base clamp bolt hole extending through a body of the bottom surface; and a bolt inserted through the top clamp bolt hole and the base clamp bolt hole and configured to extend from a secured position to an unsecured position, wherein the bottom surface of the top clamp and the top surface of the base clamp are configured to form in unison a lip holding area for a drum and the top clamp and base clamp are configured to be inserted around a portion of a drum lid and drum body interface to secure the drum lid to the drum body, the base clamp configured to rotate from the top clamp in the unsecured position. Claim 1 also recites that the base clamp has a fitting inserted into the base clamp to accept and secure the bolt. Claim 1 further recites that the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Claim 1 has been amended such that the lip holding area is configured in an approximately circular geometry, wherein the top clamp has a rounded knuckle on the bottom surface, the rounded knuckle configured to abut a drum lid body interface. Support for the amendment to claim 1 is found, for example, in original filed claims 2 and 7.

Berezansky relates to a portable door lock. Title. The portable door lock has separate end portions 5 and 6 that selectively pivot the clamp halves 1 and

2 to bring opposite ends of the lock together or to move them apart. The separate end portions 5 and 6 are connected together through a screw 4 which is rotated by hand or by a screwdriver. Berezansky does not disclose or suggest that the base clamp 5 has a fitting inserted into the base clamp to accept and secure the bolt as admitted by the Office Action. Berezansky, furthermore, does not disclose or suggest any configuration wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Applicants further submit that Berezansky does not disclose or suggest that the lip holding area is configured in an approximately circular geometry, wherein the top clamp has a rounded knuckle on the bottom surface, the rounded knuckle configured to abut a drum lid body interface. Berezansky provides a serrated edge 7, 8 for the opposite ends of the clamp halves, different than the circular geometry of the present invention in claim 1.

Applicants furthermore submit that Berezansky, in fact, cannot be used to clamp drum lids whatsoever. Berezansky provides a portable door lock, approximately 1/8" thick, which is split into two halves. Both the top half and the bottom half form a completed (rounded) circle. Berezansky operate about a pivot point 3, wherein tightening of the screw 4 causes the opposite distal end sections of elements 1 and 2 to open. Loosening the screw 4, in the alternative, tightens the distal ends. The section formed by toothed edges 7 and 8 extend around a door latch, and must interface with the circumference of the door latch to make contact, thereby preventing the door latch from operating. The teeth must clamp tightly around the periphery in order for the Berezansky invention to work. The Berezansky door lock does not have any configuration which can fit a lip of a drum, as the lip of the drum and the corresponding remainder of the connection between the lip and the body of the drum would not fit into the door lock of Berezansky. The Berezansky device merely provides a complete rounded circle shape once the two halves of the clamp are fixed together by the slotted screw 4.

The addition of the Wheatley reference does not cure the critical defects of the Berezansky reference. Wheatley allegedly relates to mounting clamps for pick-up truck beds. Wheatley is used by the Office Action to provide a nut 62 placed in line with a bolt. Applicants first submit that Wheatley, even if the nut 62 is considered equivalent to the fitting of the present invention, and applicants do not so admit, provide the nut on the top part of the truck bed clamp and therefore the sum

of the references does not disclose or suggest the feature of a fitting inserted into the base clamp to accept and secure the bolt as provided in amended claim 1.

Applicants furthermore submit that the attempted combination of references does not disclose or suggest the feature of amended claim 1 wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Wheatley provides a single hole for installation of the bolt and does not provide the structure recited in amended claim 1.

Applicants furthermore respectfully submit that a person of ordinary skill in the art would not combine the teachings of a portable door lock with that of a pick-up truck bed mounting device to teach the structural features of a drum closure.

Additionally, Wheatley does not disclose or suggest any configuration of a rounded knuckle for the top clamp. Wheatley, instead, uses a connection that connects a spoiler and/or rear wing to the bed of a truck. Individual clamping pads 31 and 56 are provided. The intersecting teeth of Wheatley would not be capable of securing a lid on a drum and the configuration, in fact, would in fact be detrimental to a drum top with the sharp edge design. The attempted combination of references, therefore, does not disclose the feature of a rounded knuckle.

Claims 3 to 6 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully submit that claims 3 to 6 are patentable for at least the reasons provided above in relation to claim 1.

III. Rejection of Claims 1 to 7 Under 35 U.S.C. § 103(a)

Claims 1 to 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 1,059,747 ("Montross") in view of Wheatley. Applicants respectfully submit that the combination of Montross and Wheatley does not render obvious claims 1 to 7 for the following reasons.

Montross relates to a burial casket. The burial casket is provided with a closing device which seals the exterior lip of the casket. The Office Action states that Montross provides a top clamp (7), a bolt (15) and a lip holding area (9) and (10). The Office Action further alleges that the bottom clamp (17) can rotate from the top clamp (7).

Applicants claim 1 recites the feature of a bolt inserted through the top clamp bolt hole and the base clamp bolt hole and configured to extend from a secured position to an unsecured position, wherein the bottom surface of the top

clamp and the top surface of the base clamp are configured to form in unison a lip holding area for a drum and the top clamp and base clamp are configured to be inserted around a portion of a drum lid and drum body interface to secure the drum lid to the drum body, the base clamp configured to rotate from the top clamp in the unsecured position, wherein the base clamp has a fitting inserted into the base clamp to accept and secure the bolt.

Montross merely provides a screwed connection which joins the two sections of the camp together. Montross does not provide the base clamp with any fittings whatsoever to accept and secure the bolt. The Office Action admits that Montross does not provide this feature. Montross furthermore does not disclose or suggest the feature of amended claim 1 wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting. Montross merely provides a straight hole for incorporation of the screw 15 into the remainder of the burial casket. A separate penetration does not exist in the Montross design for incorporation of a separate fitting.

As described above, Wheatley similarly does not provide a separate penetration for incorporation of the fitting. Wheatley is silent regarding this design. The combination of references, therefore, does not disclose or suggest the features of amended claim 1. Applicants respectfully request withdrawal of the rejection to amended claim 1.

Applicants furthermore submit that a person of skill in the art would not combine the teachings of burial caskets with that of clamps for pick-up truck beds to recite the features of a drum closure.

Claims 3 to 6 depend from claim 1 and therefore include all of the features of claim 1. Applicants respectfully request withdrawal of the rejections to claims 3 to 6 for at least the reasons provided above in relation to claim 1.

IV. Rejection of Claims 8 and 9 Under 35 U.S.C. § 103(a)

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Montross in view of Wheatley and further in view of United States Patent No. 1,450,687 ("Kunin"). Claims 8 and 9 were further rejected under 35 U.S.C. §103(a) as unpatentable over Kunin in view of Berezansky and in view of Wheatley.

Claim 8 relates to a method of closing a drum. Claims 8 recites the features of providing three drum closure arrangements, positioning a top clamp with a rounded knuckle on a bottom surface of each of the three drum closure arrangements on a drum lid interface; positioning a base clamp of each of the three drum closure arrangements on the drum lid interface; inserting a bolt through the top clamp into the base clamp; and tightening the bolt such that the top clamps and the base clamps form a lip holding area wherein the bolt enters into the base clamp and is captured by a fitting provided in the base clamp, wherein the base clamp has a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt and the positioning of the top clamp and the base clamp provides a lip holding area that is configured in an approximately circular geometry to secure the drum.

As disclosed above, the Montross, Wheatley and Berezanzsky references do not disclose a configuration or method which provides the features of a base clamp which as a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.

The addition of Kunin does not cure the critical defects of the previously cited references. Kunin relates to a cooking vessel. Title. The Office Action merely uses Kunin to disclose three connection units on the top of a cooking vessel. Kunin does not disclose a method of closing a drum having the steps of providing three drum closure arrangements, positioning a top clamp of each of the three drum closure arrangements on a drum lid interface, positioning a base clamp of each of the three drum closure arrangements on the drum lid interface, inserting a bolt through the top clamp into the base clamp, and tightening the bolt such that the top clamps and the base clamps form a lip holding area wherein the bolt enters into the base clamp and is captured by a fitting provided in the base clamp. Kunin does not disclose or suggest any configuration which has a bolt which enters into the base clamp and is captured by a fitting provided in the base clamp. Kunin furthermore lacks any reference or recitation of the feature of the base clamp which has a separate penetration from the base clamp hole, the separate penetration housing the fitting for the bolt.

Applicants respectfully submit that the attempted combinations of Montross in view of Wheatley and Kunin or Kunin in view of Berezansky and Wheatley do not render obvious method claim 8.

Applicants furthermore submit, that as above, the cited references do not disclose or suggest the features of claim 8 wherein and the positioning of the top clamp and the base clamp provides a lip holding area that is configured in an approximately circular geometry to secure the drum wherein the top clamp has a rounded knuckle of a bottom surface.

Claim 9 depends from claim 8 and therefore includes all the features of amended claim 8. Applicants respectfully submit that claim 9 is patentable for at least the reasons presented above in relation to claim 8.

Applicants further submit that it is not inherent that penetrations are provided with fittings as alleged in the Office Action. The references do not make such a suggestion that a fitting necessarily must be used. In fact, as is common in mechanical connectors, no fitting is used, but rather a hole is made in a component and the threads placed within the hole. As a result of such a fitting not necessarily being required, applicants traverse this Office Action statement.

V. Conclusion

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: 5/24/06

By: John M. Vereb

John M. Vereb
Reg. No. 48,912

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
Customer No. 26646